IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.280 OF 2007

1.Shri Kiran Sadashiv Patil, &
2.Sou.Sunanda Sadashiv Patil. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.P.P.Runwal, i/b. Mrs.Rupali Bhosale, Adv. for the Applicants.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.96 of 2006 of Gadhinglaj Police Station. The said case is under Sections 498-A, 304-B, 306 of IPC.

3. It is the prosecution case that deceased Smita was the wife of applicant No.1. Applicant No.2 is the mother of applicant No.1. The dead body of Smita was found in a well on 7.10.2006.

It is the prosecution case that Smita committed suicide as there was harassment by the applicants on account of demand of Rs.3 lacs.

4. The learned Advocate for the applicants has submitted that the demand was not in connection with any dowry and it was for purchase of place for hospital as both applicant No.1 and the deceased were doctors. As far as this aspect of demand is concerned, the complainant who is father of deceased has stated that Smita had telephoned on 6.10.2006 at 5:00 p.m. and stated that both the accused persons were insisting that she should bring Rs.3 lacs from her parents and she was weeping at that time. On 7.10.2006 the dead body of Smita was found in a well. It is alleged by the complainant that Smita committed suicide on account of harassment as well as demand of money. However, in the statement of the mother of Smita there is no mention about any such call on 6.10.2006. *Prima facie* in my opinion, if Smita had made such a call her mother would have mentioned about the same.

5. Moreover, during the investigation, one

diary was found in the room of the deceased. In the said diary Smita has not stated about any harassment by any of the applicants, but, on the other hand she has stated that she was getting strange dreams wherein she felt that she was ill. On account of the dreams she was suffering from severe tension and she was not getting sleep. It is further stated in the diary that the dreams are taking her away. She has also stated in her diary that she is committing suicide leaving behind her son. At the end of the said page, Smita has stated that nobody shall be held responsible. Thus, it is seen that in the diary there is no mention of any harassment by any of the applicants and on the other hand she states that nobody should be blamed for her suicide. The learned APP has stated that the complainant has stated that the entry in the said diary is in the handwriting of Smita. This *prima facie* shows that reason for suicide is not harassment by the applicant, but, on account of some mental delusion in the mind of Smita.

6. Looking to all these aspects, I am inclined to grant bail to the applicants.

7. The applicants Kiran Sadashiv Patil, & Sunanda Sadashiv Patil to be released on bail in the sum of Rs.40,000/- each with one or two sureties to make up the said amount. The applicants shall report to Gadhinglaj Police Station, as and when required till conclusion of the trial.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)